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HUMAN RIGHTS COMMITTEE
Sixty-eighth session

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE SECOND PERIODIC REPORT OF THE REPUBLIC OF GUYANA
(CCPR/C/99/Add.2)

Adopted by the Human Rights Committee on 2 November 1999

Compliance with the Covenant and Optional Protocol

1. What steps have been taken to ensure implementation of the Committee's Views finding a violation of the Covenant in cases under the Optional Protocol and what measures will in future be taken to ensure that sentence of death is not carried out prior to the consideration by the Committee of a communication alleging violation of the Covenant? Please provide information on the implementation of the Committee's Views in case No. 676/1996 (A.S. Yasseen and N. Thomas v. Guyana).

2. Please provide examples of court decisions upholding Covenant rights which are subsumed in the provisions of the Constitution or laws of Guyana (core document, para. 18).

3. What changes are envisaged in the proposed new Constitution in regard to the protection of Covenant rights?

4. In the light of the ruling by the Judicial Committee of the Privy Council in Thomas and Hilaire v. Baptiste et al. (17 March 1999), does Guyana intend to withdraw its reservation to the Optional Protocol (5 January 1999)?

5. Please provide concrete examples of what types of complaints the Office of the Ombudsman is dealing with, how the recommendations are implemented and whether these lead to effective remedies. Please give examples (paras. 8, 9 of the report).

Gender equality and violence against women (arts. 3, 7 and 26)

6. Please provide current information on the participation of women in education, the workplace and in public service and political life.

7. Please provide information on the extent of violence against women, including rape, and on the effectiveness of the 1996 Domestic Violence Act in this regard. Please provide statistics on the number of protection, occupation and tenancy orders which judges issue under this Act. Is the implementation of these orders independently monitored and are offenders prosecuted?

Right to life (art. 6)

8. Please provide current statistics on death sentences imposed by the courts and on appeals in the Court of Appeal against death sentences as well as on decisions taken by the Advisory Council on the Prerogative of Mercy (equivalent to those contained in paragraphs 20 and 21 of the report for the period 1981-1986).

9. What steps have been taken to ensure that persons are not sentenced to death contrary to the provisions of the Covenant, as required by article 6 of the Covenant?

10. Please provide updated information on the number of extrajudicial killings by the police since the last report, on the results of investigations carried out and on the number of prosecutions and convictions of police in respect of such killings. What rules control the use of firearms by the police and what measures are in place to ensure the strict observance of these rules (para. 23 of the report)?

Prohibition of torture and degrading treatment (art. 7)

11. What allegations of torture and abuse of detainees have been made in the period since the last report? How many investigations of such complaints have resulted in disciplinary action, in prosecution or conviction of the perpetrator or in compensation? What are the powers of the Police Complaints Authority, the Commissioner of Police and the Ombudsman in regard to the investigation of allegations of abuse of detainees by police and prison officers (para. 26 of the report)?

Liberty and security of the person; the treatment of prisoners and other detainees and the right to a fair trial (arts. 9, 10 and 14)

12. Despite the fact that the Constitution, in article 139, paragraph 2 (a), prohibits pre-trial detention for more than three months, it is alleged that it is common for people to be detained for

an average of three or four years. Please explain this practice in the light of article 9, paragraph 3, of the Covenant. How successful are applications to the High Court for a writ of habeas corpus in case of unlawful detention (para. 40 of the report)?

13. Please explain how the Rules mentioned in paragraph 41 of the report protect the rights of suspects who are detained, questioned, arrested and charged. Please explain the rules on obtaining confessions and their admissibility in judicial proceedings, and the right to legal counsel (para. 41 of the report). Please give examples. In view of the fact that these rules date back to 1964, is it intended to put them on a statutory basis?

14. What action has been taken to address the problem of prison overcrowding (para. 55 of the report)? Have prison facilities been renovated in the 150-year old Georgetown Prison and what measures does the State party envisage to eliminate malnutrition, poor hygiene and other adverse conditions resulting in death or illness of detainees (para. 56 of the report)?

15. Please explain how the independence of the judiciary is guaranteed in law and practice.

Freedom of expression (art. 19)

16. What remedies are available to journalists or others who are subjected to intimidation, violence or other reprisals in regard to the exercise of rights protected by article 19?

Right to a family and protection of children (arts. 23 and 24)

17. What conditions in Guyana have led to the phenomenon of street children and what is the extent of this problem? What measures are in force to protect children from abuse, including sexual abuse and exploitation?

18. Please explain whether laws providing for equality for children born out of wedlock have been implemented (para. 7 of the report).

Right to participation in public life (art. 25)

19. Please provide information on the application of article 25 to the election of members of Parliament. What changes are envisaged in the new constitution in this regard?

Equality before the law, discrimination and rights of people belonging to minorities (arts. 26 and 27)

20. What legislation prohibits discrimination on the grounds of sexual orientation, disability, age and other grounds stated in article 26 of the Covenant?

21. What steps are being considered to overcome racially and ethnically discriminatory practices between ethnic groups, in particular between the Indo-Guyanese and Afro-Guyanese communities (para. 10 of the report)?

22. Please comment on the steps taken to update the Amerindian Act. Have local Amerindian leaders been consulted in the demarcation of lands belonging to Amerindian communities and in regard to logging? What difficulties are experienced by Amerindians in exercising their rights under article 27 (paras. 93, 94 of the report)?

Dissemination of information about the Covenant (art. 2)

23. Please indicate the steps taken to disseminate information on the submission of Guyana's second periodic report and its consideration by the Committee.